

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AARON L. HARTMAN

Plaintiff,

v.

Case No. 09-5028

NATIONAL BOARD OF MEDICAL
EXAMINERS,

Defendant.

ORDER

AND NOW, on this day of March, 2010, upon consideration of the Motion of Defendant National Board of Medical Examiners (“NBME”) for an order partially staying the Court’s Memorandum Opinion (the “Memorandum”) dated March 9, 2010, and the corresponding Preliminary Injunction Order (the “Order”) dated March 22, 2010, pending NBME’s appeal of the Memorandum and Order.

Having considered the briefs and arguments of the parties, NBME’s motion is hereby GRANTED. The Court finds that a stay is warranted to prevent irreparable harm to NBME (reporting scores it believes to be invalid) and to protect the public’s strong interest in having valid scores reported on all components of the United States Medical Licensing Examination, including the Step 2 Clinical Skills examination. The Court further finds that any harm caused to Mr. Hartman as a result of this stay is not irreparable and, in all events, is offset by the potential harm to NBME and the general public if the NBME is required to release scores from the text-to-speech administration of Mr. Hartman’s Step 2 Clinical Skills examination while NBME’s appeal is pending.

It is therefore ORDERED that the Memorandum and Order are stayed pending NBME's appeal in this matter, as follows:

- 1) The following sentence from page 10 of the Court's Memorandum Opinion of March 9, 2010, is hereby suspended and stayed insofar as it refers to the Step 2 Clinical Skills examination that Mr. Hartman takes using text-to-speech technology: "The NBME then must release the scores to both examinations on April 21, 2010."
- 2) The following sentence from paragraph 5 of the Court's Preliminary Injunction Order of March 22, 2010, is hereby suspended and stayed: "NBME shall release the score results from this administration if necessary on or before May 15, 2010."

SO ORDERED:

Pollak, J.